IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 31522 of 2006(C)

PETITIONER:

DASAN.P.A., AGED 42,
S/O.ACHUTHAN.P.G., POTHENTHADATHIL HOUSE,
PERAMANGALAM DESOM, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE KERALA PUBLIC SERVICE COMMISSION,
REP. BY THE SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, THRISSUR.

BY SC SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 31522 of 2006

Dated this the 12th day of January, 2007

JUDGMENT

The petitioner applied for the post of Lower Division Clerk in the various department. He opted for Thrissur district and he appeared for the written test. According to him, he secured 65 marks in the written test. His register number, however, does not appear in the short list. It is contended that since he is an ex-service personnel he is entitled to weightage marks and the marks thus awardable is 8. Therefore, he will have the benefit of 73 marks in the written test. Commission has included in the short list only those candidates who have secured 66 marks and above. The contentions of the petitioner are the following:

i)The Commission has fixed a cut off mark which is illegal.

ii)The Commission has failed to give him the weightage marks.

2. The petitioner has filed a representation before the second respondent requesting to reconsider the inclusion of candidates in the short list.

3. Learned counsel for the Commission placed reliance on the judgment of this Court in W.P.(C) 5294/2006 which was affirmed by the Division Bench in writ Appeal No.1619/2006 following an earlier

judgment of the Division Bench in W.A.No.1406/2006 holding that the benefit of weightage marks will be granted only for those who have secured the minimum marks, and therefore, the question of adding the weightage marks arises only at the stage of finalisation of the ranked list.

4. Learned counsel for the petitioner submits that since he has raised the question of cut off marks also and that aspect is pending with the second respondent, this writ petition may be disposed of directing the second respondent to pass orders on Ext.P5.

5. In view of the above submission, the writ petition is disposed of directing the second respondent to consider Ext.P5, pass appropriate orders and communicate the same to the petitioner, as early as possible, in any event, within three weeks from the date of receipt of a copy of the judgment.

K.K.DENESAN, JUDGE

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